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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,958	06/30/1999	SERGE JEAN MAURICE MISTER	0500.9904131	8512

23418   7590   09/13/2005

VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER
ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/343,958	MISTER, SERGE JEAN MAURICE
	Examiner	Art Unit	
	Kambiz Zand	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 July 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _10-15 and 24-29_ is/are allowed.

6)☒ Claim(s) _1-5,7,9,16-20,22,30-34 and 36_ is/are rejected.

7)☒ Claim(s) _6,8,21,23,35 and 37_ is/are objected to.

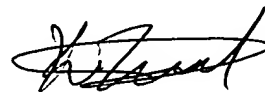8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _17 November 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The text of those sections of Title 35,U.S.Code not included in this section can be found in the prior office action.

2.   The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

3.   Claims 1, 9, 10, 16 and 30 have been amended.

4.   Claims 1-37 are pending.

Response to Arguments

5.   Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

6.   **Claim 1** objected to because of the following informalities: typo error. Examiner suggests the following corrections:

Claim 1:

- Replacement of the phrase "for" (line 3, first occurrence) with the phrase "by".

Claim Rejections - 35 USC § 103

7.   **Claims 1-5, 7, 9, 16-20, 22, 30-34 and 36** rejected under 35 U.S.C. 103(a) as

being unpatentable over Fadem et al (4,744,077) in view of Young et al (4,805,222)

cited in the pto-892 (paper number 4); and further in view of Wasilewski et al (5,870,474

A).

As per claims 1, 16 and 30 Fadem et al (4,744,077) teach a method, apparatus and an

storage medium for facilitating prevention of interception of incoming data that is

provided for a software application, comprising the steps of: preventing interception of

the incoming data, by providing insertion data for insertion as part of the incoming data

(see col.12, lines 33-52 wherein the 8 bit data contains keystroke data and LFC

characters and an id bit, Examiner considers any of the three data bits as an insertion

data); storing the generated insertion data; and filtering received incoming data

containing actual data and the insertion data (see col.12, line 45-52 wherein the

incoming data are stored in RCV FIFO) by comparing stored generated insertion data

with incoming data to determine which data is actual data (see col.12, lines 54-66

wherein by examining the third bit of high order nibble of second and compare it to the

lower nibble data that identified the user, it recognizes the data as keystroke or LFC

character, therefore if the actual data is keystroke or LFC character and the insertion

data is the id of the user then by comparison the actual data is retrieved, the same

analogy could be used in reverse. Examiner's interpretation is based on the broad claim

language that is recited in the above claims). Also see col.13-15. However Fadem et al

do not disclose providing insertion data in order to prevent interception of the incoming

data. Young et al do disclose providing insertion data, to prevent interception of the

incoming data (see abstract; col.2; col.3, lines 1-14 where the comparison between the

keystrokes as inserted data are done to determine the validity and therefore preventing

the insertion data by denying access if the comparison is not valid. Also see the entire

disclosure for more detailed). It would have been obvious to one of ordinary skilled in

the art at the time the invention was made to utilize Young's keystroke comparison

method (as data insertion comparison) in Fadem's data processing network

transmission consisting of actual and keystroke inserted data in order to detect false

insertion data or keystroke pattern by comparison means.

Fadem in view of young do not explicitly distinguishes between the actual data and the

insertion data. However Wasilewski et al (5,870,474 A) do disclose the actual data as

the payload in the form of encrypted data or unencrypted data and the insertion data

such as hash value or the control word where the comparison of the hash value as the

inserted data and its authenticity prevents or permit access to the actual data or payload

(see fig.2, 2c, 3A-7 and associated text). It would have been obvious to one of ordinary

skilled in the art at the time the invention was made to utilize Wasilewski's hashing

value insertion data in Fadem's actual data in view of young's keystrok's comparison

method in order to determine tampering and preventing unauthorized users access to

the content program (see col.4, lines 12-23).

As per claims 2, 17 and 31 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of processing the actual data resultant from filtering for use by the software application (see col.18, lines 13-20).

As per claims 3, 18 and 32 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of receiving the generated insertion data and actual data from a data input source; and queuing the insertion data with actual data for output as the incoming data (see col.11, lines 67-68 and col.12, lines 1-3).

As per claims 4, 19 and 33 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of analyzing foreground indication data and enabling generation of the insertion data in response to the foreground indication data (see col.18, lines 66-68 and col.19, lines 1-14 wherein in response to content of HRQ data the insertion of characters into the data is selected).

As per claims 5, 20 and 34 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of controlling timing of insertion data generation and output based on data queue parameters (see col.13, lines 19-46).

As per claims 7, 22 and 36 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of storing a list of data representing data to be used as randomization data; randomly selecting the randomized data from the list of data; and formatting the randomized data as insertion data in a same format as actual data (see col.18, lines 66-68 and col.19, lines 1-14).

As per claim 9 Fadem et al (4,744,077) the method of claim 1 wherein the step of providing includes: providing the insertion data, under control of the software application that is to receive the incoming data (see col.17, lines 19-61).

Allowable Subject Matter

8.   Claims 10-15 and 24-29 are allowed.

9.   Claims 6, 8, 21, 23, 35 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
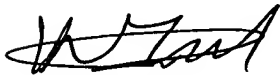
Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the

organization where this application or proceeding is assigned as (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Kambiz Zand

09/08/2005

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